

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

**ALEXION PHARMACEUTICALS, INC., ALEXION
PHARMA INTERNATIONAL OPERATIONS LTD.,**
Plaintiffs-Appellants

v.

SAMSUNG BIOEPIS CO. LTD.,
Defendant-Appellee

2024-1829

Appeal from the United States District Court for the District of Delaware in No. 1:24-cv-00005-GBW, Judge Gregory Brian Williams.

ON MOTION

Before PROST, TARANTO, and HUGHES, *Circuit Judges*.
PER CURIAM.

O R D E R

Alexion Pharmaceuticals, Inc. and Alexion Pharma International Operations Ltd. move, pursuant to Rule 8 of the Federal Rules of Appellate Procedure, for an injunction of

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marketing and sales by Samsung Bioepis Co. Ltd. of its SB12 biosimilar product. Samsung Bioepis opposes.

Rule 8(a)(2) of the Federal Rules of Appellate Procedure authorizes this court to grant an injunction pending appeal. Our determination is governed by four factors: (1) whether the movant has made a strong showing of a likelihood of success on the merits; (2) whether the movant will be irreparably injured absent an injunction; (3) whether issuance of an injunction will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies. *See Ohio v. Env't Prot. Agency*, 144 S. Ct. 2040, 2052 (2024) (citing *Nken v. Holder*, 556 U.S. 418, 434 (2009)).

Based on the papers submitted, and without prejudicing the ultimate disposition of this case by a merits panel, we conclude that an injunction is not warranted under the circumstances of this case.

Accordingly,

IT IS ORDERED THAT:

The motion is denied.

FOR THE COURT



July 29, 2024

Date

Jarrett B. Perlow
Clerk of Court